REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed on March 11, 2005. In the Office Action, the Examiner notes that claims 1-15 are pending and rejected.

In view of the following discussion, the Applicant submits that all of the claims now pending in the application are non-anticipated and non-obvious under the respective provisions of 35 U.S.C. §§102 and 103. Thus, the Applicant believes that all of these claims are now in allowable form.

It is to be understood that the Applicant does not acquiesce to the Examiner's characterizations of the art of record or to the Applicant's subject matter recited in the pending claims. Further, the Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims.

REJECTIONS

A. 35 U.S.C. §102

The Examiner has rejected claims 1, 5, 9, 11 and 12 under 35 U.S.C. § 102(e) as being anticipated by Lauer et al. (U.S. Patent No. 6,118,936, issued Sep. 12, 2000, hereinafter "Lauer "). The rejection is respectfully traversed.

More specifically, the Examiner alleges that Lauer teaches a method for managing adjunct access for a circuit in a network management system, the method comprising the step of providing a manageable link (a linkset) representing each non-managed portion of the circuit (non-IEC nodes), responsive to a determination that a non-managed portion of the circuit exists. (Office Action, pg. 2). The Applicant respectfully disagrees.

In general, Lauer discloses a signaling network management system for collecting network topology, traffic, performance, and fault information, and for correlating that information and displaying the information to system operators. (Lauer, Abstract). In particular, Lauer discloses that at least one of the windows displayed to the system operators "...presents a list of IEC voice trunks,

connected to a specified IEC switch, and the LEC end office switches or other IEC switched where they terminate." (Lauer, Col. 14, Lines 44-47).

The Applicant respectfully maintains, however, that Lauer fails to disclose each and every element of the claimed invention, as arranged in the claim. In particular, Applicant maintains that Lauer does not teach or suggest the limitation of "providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists". Specifically, Applicant's invention, as defined in claim 1 (and similarly in claims 5, 9, and 12), recites:

> "A method for managing adjunct access for a circuit in a network management system, the method comprising the step of:
> providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists."

As evident from the Applicant's disclosure and claims, the Applicant's invention is directed, at least in part, to providing a manageable link representing each non-managed portion of a circuit in response to a determination that a non-managed portion of the circuit exists. As illustrated in the Applicant's specification, by connecting a first portion, a second portion, and a final portion of a circuit via respective, representative links, a continuous managed circuit is provided, thereby allowing the circuit to be identified in a network management system with one circuit identifier as opposed to a circuit identifier for each portion of the circuit. To further clarify the invention of at least claim 1, the Applicant, in the specification, specifically recites:

> "It is noted that the sixth link LNK_F spans an adjunct access area portion 101 between the first Portion A and second Portion B of the circuit. Since, in the embodiment of FIG. 1, the adjunct access area portion 101 is under the control of a local exchange carrier (LEC), the LEC provides its own equipment to bridge between the first Portion A and second Portion B of the circuit. However, the adjunct access area portion 101 is considered non-managed by the interexchange carriers (IEC) network management system since the IEC network management system has no knowledge of the equipment used by the LEC to connect the first Portion A to the second Portion B of the circuit. Thus, by using a sixth link LNK_E to

> connect the first Portion A to the second Portion B of the circuit, the IEC has made a non-managed portion of the circuit become a managed entity within the IEC's Network Management System. (See Specification, page 5, lines 12-21). (Emphasis added).

Specifically, in the portions of the Specification cited above, the Applicant further clarifies how a non-managed portion of a circuit is reconfigured in a network management system to be considered a managed entity by the network management system. The Applicant clearly teaches that the invention of the Applicant is directed, at least in part, to providing a manageable link for each non-managed portion of a circuit in response to a determination that a non-managed portion of the circuit exists. As such, every portion of a circuit is able to be provisioned and inventoried by an IEC in accordance with the present invention (including non-managed portions for which the IEC does not have the required topology data, for managing the various physical equipment and links associated with that portion of the circuit).

The Applicant maintains that, in contrast to the invention of the Applicant, Lauer does not teach, show, or suggest "providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists" as taught by the Applicant's specification and claimed in at least the Applicant's claim 1. The Examiner, however, cited Figures 8b, 8c, and 8e, and the teachings of col. 4, lines 33-48; col. 13, line 55 through col. 14, line 9; and col. 14, lines 18-29 as specifically anticipating the invention of the Applicant. The Applicant respectfully submits, however, that those very sections specifically show that Lauer does not anticipate the invention of the Applicant. More specifically, with respect to the sections specifically cited by the Examiner, Lauer specifically recites:

> FIG. 8d is an example of an SNMS Nonadjacent Node Map screen display window. This window presents an STP pair view of a selected LEC signaling network. All LEC SPs, STPs, and SCPs (with signaling relationships to the IEC network) connected LEC STP pair are displayed. IEC's area of responsibility does not include the LEC STP to LEC SP signaling links, so no linksets are displayed here. This display allows the

SNMS operator to monitor a LEC signaling network as seen by the IEC nodes.

FIG. 8e is an example of an SNMS LATA Connections Map screen display window. This window presents a map of all LEC owned nodes that are located within a specified LATA. As well, the IEC STP pair that serves the LATA is also displayed along with the associated linksets (where applicable). This display allows the operator to closely monitor a specific LATA if/when problems surface within the LATA. LATA problems, while outside IEC's domain of control, can introduce problems within the IEC network since signaling messages are shared between the networks. As well, IEC voice traffic which terminates in the specified LATA can be affected by LATA outages." (See Lauer, col. 13, line 64 through col. 14, line 29). (emphasis added).

As clearly evident from at least the portions of Lauer cited above, there is absolutely no teaching, showing, or suggestion in Lauer for "providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists" as taught by the Applicant's specification and claimed in at least the Applicant's claim 1. More specifically, and as clearly evident by the portions of the teachings of Lauer presented above, Lauer specifically teaches away from the invention of the Applicant, at least with respect to claim 1, for "providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists."

Notably, to display all IEC and non-IEC nodes, as taught in Lauer, is not equivalent to and does not anticipate providing a manageable link for each non-managed portion of a circuit in response to a determination that a non-managed portion of the circuit exists such that every portion of a circuit is able to be provisioned and inventoried by an IEC, as taught by the Applicant's specification and claimed in at least the Applicant's claim 1. The display of all IEC nodes and non-IEC nodes actually teaches management of all portions of a network such that there are no non-managed portions that must be represented using a representative link. As such, in the disclosure of Lauer presented above, Lauer

specifically recites a lack of the ability of the Lauer system to provide the provisioning of non-managed links as claimed by the Applicant.

The Examiner argues that Lauer discloses "providing a manageable link (a linkset) representing each non-managed portion of the circuit (non-IEC nodes), responsive to a determination that a non-managed portion of the circuit exists..." (Office Action, pg. 2). The Applicant respectfully disagrees. The linksets as taught in Lauer comprise displayable links representative of physical links in the network. As described herein, since the Lauer system maintains and manages full end-to-end topology information (both IEC and LEC topology information) for managing the linksets, the linksets of Lauer are managed. In other words, the fact that Lauer discloses that the linksets are not displayed does not teach that the linksets of Lauer are non-managed portions of a circuit.

In particular, in contrast to the invention of the Applicant, Lauer specifically recites that the IEC's area of responsibility does not include the LEC STP to LEC SP signaling links, and as such no linksets are displayed in the Graphical User Interface of a user. The fact that Lauer discloses that the IEC's area of responsibility does not include the LEC STP to LEC SP signaling links, and as such no linksets are displayed in the Graphical User Interface simply teaches that an IEC may choose not to display a particular linkset. As such, Lauer does not teach or suggest a non-managed portion of a circuit; rather, Lauer teaches a choice not to view a managed portion of a particular portion of a network topology.

As such, managed linksets representing physical links for which topology information is maintained and managed, as taught in Lauer, do not comprise manageable links representing each non-managed portion of a network, as taught at least in Applicant's claim 1. Thus, Lauer does not teach, show, or suggest a method or apparatus for managing adjunct access and for designing a complete circuit including providing a respective manageable link representing each non-managed portion of a circuit in response to a determination that a non-managed portion of the circuit exists as taught and claimed by the Applicant.

In contrast to the Applicant's invention, Lauer teaches a network in which the entire network topology is known and, therefore, all portions of associated circuits are known and therefore managed. In particular, Lauer teaches that "SNMS 300 also uses data reflecting the topology of foreign networks, such as those of a Local Exchange Carrier (LEC) or an international carrier." Lauer further teaches that "[c]ollected data includes: local exchange carrier office homing arrangements, local exchange carrier signaling point to signal transfer point homing arrangements,...,foreign network signal transfer point clustering..." (Lauer, Col. 10, Lines 20-31). As such, Lauer teaches that topology information is obtained, maintained, and managed for all portions of the managed network.

In other words, no portion of the network managed according to Lauer comprises a non-managed portion. Therefore, it follows that there is no need for the Lauer system to identify non-managed portions of a network or to represent the non-managed portions as a manageable element such as a manageable link. As such, since Lauer teaches obtaining, maintaining, and managing network topologies comprising both IEC and LEC network elements and links, as well as other network elements, signaling points, signaling transfer points, homing arrangements, links, and the like, a circuit managed according to Lauer cannot comprise a non-managed portion. As such, Lauer does not teach "providing a respective manageable link representing each non-managed portion of the circuit", as taught at least in Applicant's claim 1.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 U.S.P.Q. 193 (Fed. Cir. 1983)) (emphasis added). As such, for at least the reasons stated above, the Applicant respectfully submits that Lauer fails to teach each and every element of the claimed invention, as arranged in the claim, and as such fails to anticipate the invention of the Applicant.

Thus, the Applicant submits that independent claim 1 is not anticipated by the teachings of Lauer and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder. Similarly, independent claims 5, 9 and 12 recite relevant features similar to the feature recited in independent claim 1. As such, the Applicant submits that independent claims 5, 9 and 12 are also not anticipated by the teachings of Lauer and, as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

Furthermore, dependent claim 11 depends directly from independent claim 9 and recites additional features therefor. As such, and for at least the reasons set forth herein, the Applicant submits that dependent claim 11 is also not anticipated by the teachings of Lauer. Therefore the Applicant submits that dependent claim 11 also fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

B. 35 U.S.C. §103

The Examiner rejected claims 2-4, 6-8, 10 and 13-15 under 35 U.S.C. §103(a) as being unpatentable over Lauer in view of Dodd (Annabel Z. Dodd, "The Essential Guide to Telecommunications," 1998, pp. 144-145). The rejection is respectfully traversed.

Claims 2-4, 6-8, 10 and 13-15 depend from independent claims 1, 5, 9, and 12 and recite additional features therefor. As described above, Lauer fails to teach, show, or suggest the Applicant's invention as recited in independent claims 1, 5, 9, and 12. In particular, Lauer fails to teach, show, or suggest the limitation of "providing a respective manageable link representing each non-managed portion of the circuit." Therefore, at least because the teachings of Lauer do not teach, show, or suggest the Applicant's invention of independent claims 1, 5, 9 and 12, the Applicant respectfully submits that the teachings of Lauer also do not teach, show, or suggest the Applicant's invention of claims 2-4, 6-8, 10 and 13-15, which depend either directly or indirectly from the Applicant's independent claims 1, 5, 9 and 12 and recite additional limitations therefor.

Furthermore, Dodd fails to bridge the substantial gap between Lauer and the Applicant's invention.

The Examiner relies upon Dodd for showing the limitations of dependent claims 2-4, 6-8, 10, and 13-15. In general, Dodd discloses various network management techniques. In particular, the portions of Dodd relied upon by the Examiner specifically teach that "[t]he topology of the operations network must be carefully designed to avoid the situation in which most or all management traffic passes through a single network element, thereby creating a bottleneck." (Dodd, pg 144-145). Nowhere in Dodd, however, is there any teaching, showing, or suggestion of "providing a respective manageable link representing each non-managed portion of the circuit, responsive to a determination that a non-managed portion of the circuit exists" as taught by the Applicant's specification and claimed in at least the Applicant's independent claim 1.

As such, nowhere in the cited references, either singly or in combination, is there any teaching, showing, or suggestion of a method or apparatus for managing adjunct access and for designing a complete circuit including providing a respective manageable link representing each non-managed portion of a circuit in response to a determination that a non-managed portion of the circuit exists as taught and claimed by the Applicant. Thus, Applicant submits that independent claim 1 is not rendered obvious by the teachings of Lauer and Dodd and, as such, fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder.

Similarly, independent claims 5, 9 and 12 recite relevant features similar to the features recited in independent claim 1. As such, the Applicant submits that independent claims 5, 9 and 12 are also not rendered obvious by the teachings of Lauer and Dodd and, as such, fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder.

Furthermore, claims 2-4, 6-8, 10 and 13-15 depend, either directly or indirectly, from independent claims 1, 5, 9, and 12 and recite additional features therefor. Since the combination of Lauer and Dodd does not render obvious the

Applicant's invention as recited in claims 1, 5, 9, and 12, the Applicant submits that dependent claims 2-4, 6-8, 10 and 13-15 are also not obvious and fully satisfy the requirements under 35 U.S.C. §103 and are patentable thereunder.

CONCLUSION

Thus, the Applicant submits that none of the claims presently in the application are anticipated under the provisions of 35 U.S.C. § 102 or obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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